

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
JUNE 3 and 4, 2008**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on June 3 and 4, 2008.

TUESDAY, JUNE 3, 2008—2:00 P.M.

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|-----|---------|--|
| (1) | S143819 | Ramirez et al. v. Nelson et al. |
| (2) | S139791 | People v. Cross (Gary) |
| (3) | S066527 | People v. Lindberg (Gunner) [Automatic Appeal] |

WEDNESDAY, JUNE 4, 2008—9:00 A.M.

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| (4) | S154018 | In re Lawrence (Sandra) on Habeas Corpus |
| (5) | S155872 | In re Shaputis (Richard) on Habeas Corpus |
| (6) | S147190 | Edwards v. Arthur Andersen, LLP |
| (7) | S070839 | People v. Carasi (Paul) [Automatic Appeal] |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c) (formerly rule 18(c)).)

**SUPREME COURT OF CALIFORNIA
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JUNE 3 and 4, 2008**

FIRST AMENDED

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JUNE 3, 2008—2:00 P.M.

(1) Ramirez et al. v. Nelson et al., S143819

#06-79 Ramirez et al. v. Nelson et al., S143819. (B179275; 138 Cal.App.4th 890; Superior Court of Ventura County; CIV217462.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: For purposes of liability under Penal Code section 385, which makes it a misdemeanor for anyone “either personally or through an employee or agent,” to move a tool or equipment within six feet of a high voltage overhead line, was an unlicensed tree trimmer hired by homeowners to trim trees, including a tree with branches within six feet of a high voltage line, considered to be an employee of the homeowners? (See Lab. Code, §§ 2750.5, 6303, subd. (b).)

(2) People v. Cross (Gary), S139791

#06-26 People v. Cross (Gary), S139791. (H027519; 134 Cal.App.4th 500; Superior Court of Santa Clara County; CC319761.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case includes the following issues: (1) Can a legal, surgical abortion support an enhancement under Penal Code section 12022.7 for the defendant’s personal infliction of great bodily injury in committing the offense that led to the victim’s pregnancy? (2) Can the pregnancy itself constitute such great bodily injury?

(3) *People v. Lindberg (Gunner)*, S066527 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, JUNE 4, 2008—9:00 A.M.

(4) *In re Lawrence (Sandra) on Habeas Corpus*, S154018

#07-399 In re Lawrence (Sandra) on Habeas Corpus, S154018. (B190874; 150 Cal.App.4th 1511; Superior Court of Los Angeles County; A174924.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case includes the following issue: In making parole suitability determinations for life prisoners, to what extent should the Board of Parole Hearings, under Penal Code section 3041, and the Governor, under article V, section 8(b) of the California Constitution and Penal Code section 3041.2, consider the prisoner's current dangerousness, and at what point, if ever, is the gravity of the commitment offense and prior criminality insufficient to deny parole when the prisoner otherwise appears rehabilitated?

(5) *In re Shaputis (Richard) on Habeas Corpus*, S155872

#07-428 In re Shaputis (Richard) on Habeas Corpus, S155872. (D049895; unpublished opinion; Superior Court of San Diego County; HC180007.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case presents the following issues: (1) In assessing whether "some evidence" supports a decision by the Governor to deny parole, is the inquiry limited to whether the reasons stated have a factual basis or should a reviewing court also examine whether the evidence supports a finding that the inmate presents an unreasonable current risk of danger to the public? (2) When a reviewing court determines that a gubernatorial parole decision is not supported by sufficient evidence, should it remand the matter to the executive branch to proceed in accordance with due process, or should it order the inmate's immediate release?

(6) *Edwards v. Arthur Andersen LLP*, S147190

#06-130 Edwards v. Arthur Andersen LLP, S147190. (A178246; 142 Cal.App.4th 603; Superior Court of Los Angeles County; BC294853.) Petition for review after the Court

of Appeal affirmed in part and reversed in part the judgment in a civil action. This case presents the following issues: (1) Is a noncompetition agreement between an employer and an employee that prohibits the employee from performing services for former clients invalid under Business and Professions Code section 16600, unless it falls within the statutory or judicially created trade secrets exceptions to the statute? (2) Does a contract provision releasing “any and all” claims the employee might have against the employer encompass nonwaivable statutory protections, such as the employee indemnity protection of Labor Code section 2802?

(7) People v. Carasi (Paul), S070839 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.